Town of Burlington

Bylaw Review Committee Minutes

Board: Bylaw Review Committee (BRC)
Date: January 9, 2018, 6:45 PM
Place: Town Hall Annex – Meeting Room B

Minutes - DRAFT

Committee Present: Wendy Guthro, David Miller, Adam Tigges, Larry Warfield, Absent: Sandra MacKay
Other Attendees: Steven R. Morin, Myrna A. Saltman, Ernest R. Zabolotny

Review of Bylaw warrant articles submitted for January Town Meeting

1. Zoning Bylaw Review Committee
   - Members of the Zoning Bylaw Review Study Committee (ZBRS C) appeared for support of their Town Meeting warrant to establish a Zoning Bylaw Review Committee.
   - They presented that they anticipate questions about
     ◊ Duplication of responsibilities between Land Use and the Zoning Bylaw Review committee
     ◊ Size and composition of the committee, especially the business representative
     ◊ Budget outlined in the backup material
   - The BRC is clear that the bright line separating Land Use and ZBRS C are Zoning Laws
     ◊ The Zoning Bylaw Review Committee would be limited to act as Town Meeting’s representatives to review and maintain the Zoning Bylaws.
     ◊ Land Use is Town Meeting’s representatives responsible for issues regarding and providing input on warrants affecting the use of land. In the past they wandered into the area of zoning because of perceived issues and differences in priority.
     ◊ Planning Board is responsible for oversight of the implementation of the zoning bylaws and development within the town.
   - Discussion
     ◊ The ZBRS C representatives were questioned whether they had received and considered Planning Director Kassner’s comments and recommendations for changes to the wording. They said they had and are comfortable with the current wording for the initial creation of the committee. They may be appropriate for future revisions to the Bylaw.
     ◊ Member Warfield said while he is comfortable that the wording of the article is acceptable for inclusion in the bylaw as written, that a convincing argument has not been made of why this is the correct solution to the perceived issue. The ZBRS C has not presented data in the backup supporting this solution from similar towns. His abbreviated survey of other communities shows that they either let their Planning Board/Departments or an Ad Hoc Committee be responsible for updating the zoning bylaws. He would support a motion regarding form and wording, but would be uncomfortable recommending to Town Meeting that they support this article. Ultimately that decision is Town Meeting’s.

Motion: To approve the form and wording of this article as presented in the warrant and that it conforms to our General Bylaw standards for adoption by town meeting.

(Moved: Tigges, Seconded: Miller, 4-0-0)
Discussion of suggestions for proposed bylaws

2. Meeting postings & agendas and availability of supporting materials
   - TMM Steve Morin presented ideas regarding potential bylaw changes regarding changes
     - To require the posting of materials two (2) business days prior to discussion at posted meetings
     - The posting of materials distributed to committee members during meetings along with meeting minutes
   - Materials related to executive sessions would have to be an exception due to confidentiality
   - MGL Open Meeting Law requires
     - Supporting material must be posted along with the minutes
     - Minutes posted within thirty (30) days or three (3) meetings whichever is longer
   - Discussion included
     - What burdens and requirements would be on boards and recording secretaries?
     - How feasible is it?
       - Are there format issues? For example C, D & E sized plots of plans submitted to Planning Board or Zoning Board of Appeals
       - Do boards receive items for discussion at the last minute?
     - What do boards see as advantages?
     - Should the town develop standard minutes formats?
   - Recommendations for next steps
     - Steve
       - Distribute a copy of the sections of the open meeting law for committee review
       - Talk with the key boards to understand the barriers & challenges of such a requirement (School, Planning, Selectmen, Ways & Means)
     - Larry - Send Steve a copy of these draft minutes

3. Moderator Term (Myrna Saltman)
   - Myrna would like to increase the Moderator’s term to three years to improve continuity
     - She believes that turnover in Moderator has caused inconsistency and increased turmoil in Town Meeting. As a result of the shorter term, the Moderator’s actions are interpreted politically.
   - Discussion
     - Article needs be modified to add wording about starting term of revised term.
• Next Steps
  ◊ Myrna asked whether she needs signatures from nine (9) other Town Meeting Members to submit a warrant article?
  ◊ Not according to Article II, Section 1.2
    *The Selectmen shall include in the warrant all subjects which are requested of them in writing by any elected Town Meeting Member, the Moderator, the School Committee, or any other person authorized by State Statute or Town Bylaw.*
  ◊ Myrna needs to develop her backup material.

Housekeeping Topics
4. Open Meeting Law Training Debrief
   • Chairman Tigges presented key topics covered at the Open Meeting Law Training
     ◊ Deliberation
       a. Includes oral, written and electronic communication
       b. Exceptions exist for distribution of meeting agendas, scheduling information, procedural information, or reports or documents to be discussed (*provided that no opinion of a member is expressed.*)
       c. Chained deliberation can occur when Member A & B communicate opinions electronically with each other and then one of them forwards that to another committee member (assuming quorum is 3 members)
       d. Electronic communication can include social media like Facebook & Twitter. Members should be careful when using such tools. Selectmen are looking at developing a town social media policy.
     ◊ Subcommittees – a subset of the members of a committee established to work on a topic becomes a committee of their own. If a quorum of that subcommittee (simple majority) is present and acting as a subcommittee, that subcommittee is then subject to the requirements of the Open Meeting Laws (posting, minutes, restrictions on meeting, disability accessibility).

5. Approve minutes of prior meeting
   *Motion: Approve minutes as corrected during the meeting*  
   *(Moved: Warfield, Seconded: Tigges, 4-0-0)*

6. Adjourn *(4-0-0)*